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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/025,558	12/26/2001	Michael Clarence Claerhout	4059/21	8304

7590 04/24/2003

MASON, MASON & ALBRIGHT  
2306 South Eads Street  
P.O Box 2246  
Arlington, VA 22202

EXAMINER

BUTLER, DOUGLAS C

ART UNIT

PAPER NUMBER

3683

DATE MAILED: 04/24/2003

Please find below and/or attached an Office communication concerning this application or proceeding.



10/025,550

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This is a communication from the examiner in charge of your application.  
COMMISSIONER OF PATENTS AND TRADEMARKS

**OFFICE ACTION SUMMARY**

☒ Responsive to communication(s) filed on 2/3/03, 2/12/03

☐ This action is **FINAL**.

☐ Since this application is in condition for allowance except for formal matters, **prosecution as to the merits is closed** in accordance with the practice under *Ex parte Quayle*, 1935 D.C. 11; 453 O.G. 213.

A shortened statutory period for response to this action is set to expire 30 days month(s), or thirty days, ~~whichever is longer~~, from the mailing date of this communication. Failure to respond within the period for response will cause the application to become abandoned. (35 U.S.C. § 133). Extensions of time may be obtained under the provisions of 37 CFR 1.136(a).

**Disposition of Claims**

☒ Claim(s) 22-39 is/are pending in the application.

Of the above, claim(s) \_\_\_\_\_ is/are withdrawn from consideration.

☐ Claim(s) \_\_\_\_\_ is/are allowed.

☐ Claim(s) \_\_\_\_\_ is/are rejected.

☐ Claim(s) \_\_\_\_\_ is/are objected to.

☒ Claims 22-39 are subject to restriction or election requirement.

☒ Claim 1-21 canceled  
**Application Papers**

☐ See the attached Notice of Draftsperson's Patent Drawing Review, PTO-948.

☐ The drawing(s) filed on \_\_\_\_\_ is/are objected to by the Examiner.

☐ The proposed drawing correction, filed on \_\_\_\_\_ is ☐ approved ☐ disapproved.

☐ The specification is objected to by the Examiner.

☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. § 119**

☐ Acknowledgement is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d).

☐ All ☐ Some\* ☐ None of the CERTIFIED copies of the priority documents have been  
☐ received.

☐ received in Application No. (Series Code/Serial Number) \_\_\_\_\_

☐ received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

\*Certified copies not received: \_\_\_\_\_

☐ Acknowledgement is made of a claim for domestic priority under 35 U.S.C. § 119(e).

**Attachment(s)**

☒ Notice of Reference Cited, PTO-892

☐ Information Disclosure Statement(s), PTO-1449, Paper No(s). \_\_\_\_\_

☐ Interview Summary, PTO-413

☐ Notice of Draftsperson's Patent Drawing Review, PTO-948

☐ Notice of Informal Patent Application, PTO-152

- SEE OFFICE ACTION ON THE FOLLOWING PAGES -

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### **DETAILED ACTION**

1. ***Election/Restrictions***

Restriction is required under 35 U.S.C. 121 and 372.

This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

In accordance with 37 CFR 1.499, applicant is required, in reply to this action, to elect a single invention to which the claims must be restricted.

2. This application contains the following inventions or groups of inventions which are not so linked as to form a single general inventive concept under PCT Rule 13.1.

Group I, claim(s) 22-31, 38-39, drawn to a system for effecting braking force on a towed vehicle having a braking sensor, control unit, pressure-sensitive laminate, classified in Class 303, subclass 7.

Group II, claim(s) 32-36 , drawn to independently operating towed vehicle brakes ,classified in Class 188, subclass 112 R.

Group III, claim(s) 37 , drawn to a braking sensor per se , Class 338 or 310.

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3. The inventions listed as Groups I, II and III do not relate to a single general inventive concept under PCT Rule 13.1 because, under PCT Rule 13.2, they lack the same or corresponding special technical features for the following reasons:

The special technical feature of Group I is the system effecting towed vehicle braking with a control unit located on the towed vehicle with proportional braking as determined by the control unit.

The special technical feature of Group II is independently operating towed vehicle brakes.

The special technical feature of Group III is the braking sensor.

Since the special technical features of Group I, II and III are not presently in all claims, unity of invention is lacking.

Applicant is advised that the reply to this requirement to be complete must include an election of the invention to be examined even though the requirement be traversed (37 CFR 1.143).

4. COMMENTS INTENDED TO ADVANCE THE PROSECUTION:

(A) The term "rigid" or "rigidly" does not appear in the original disclosure. Also, "static" referred to in Form PCT/IPEA/409 does not appear in the original disclosure. <sup>in context</sup> In the examiner's view, new matter is presented. The terms are relative in nature and do not serve to distinguish.

(B) Claim 32 is directed to a conventional sway control system such as applied where the sway of the trailer or towed vehicle is controlled or braking without intervention by the operator

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of the tractor or towing vehicle. It's unclear to the examiner why a claim of the scope of claim 32 is presented. See clause D below.

© Claim 37 is unduly broad and reads on one of the numerous brake piezoelectric sensors. Note the attached patents and related publications listed on Form PTO-892 which applicants should consider. Laminated piezo-electric sensors are conventional. Some of the documents such as Takeuchi et al(US2003/0033700A1), Takeuchi et al(U6108880), Takeuchi et al(US5774961) and Wierach(US2002/0047496A1) are directed to a method or process of making piezo-sensitive laminated sensors. These method or process documents may benefit applicant's representative.

(D) Re independently operating the trailer brakes, see Moore(US5000519)at column 1, lines 19-32 which state:

“In a jackknifing situation, where a towed vehicle is effectively heading in a different direction from the tow vehicle, and dangerously applying a transverse force thereto more drastic control measures are required. A recommended procedure is to slow down the towed vehicle or trailer by actuating only the brakes of the trailer . In some cases, it is even recommended to also accelerate the tow vehicle ahead of the trailer so that the trailer can be aligned to follow directly behind. To achieve such control, towed vehicle brakes are often provided with manual override systems whereby the towed vehicle brakes may be actuated independently of the tow vehicle brakes. “

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Consider claim 6 of 4023863 which states

“6. In a tow vehicle-trailer combination having a brake system with a first brake applying servomotor in the tow vehicle and a second brake applying servomotor in the trailer responsive to an operator input for simultaneously activating the wheel brakes in the tow vehicle and the trailer, sway control means for operating the second brake to independently operate the wheel brakes in the trailer, said sway control means comprising:”

(E) The examiner considers that the scope of the instant claims is rather broad in view of the state of the art. The Search Report dated October 9, 2001 has been considered. Clearly, claims 12, 17, etc., upon which the report are in part based are unduly broad and do not accurately reflect the prior art and knowledge available to the examiner handling the instant application. Applicant after making an election should carefully review **all** of the prior art made of record. The examiner encourages applicant to present claims commensurate with applicant's contribution in the art. **However**, in view of the apparent closeness of the prior art, the claims need to specifically rather than generally define applicant's invention in order to distinguish over the prior art. Note that any such claims need to be submitted prior to the issuance of a final rejection or final action.

The examiner directs applicant's attention to MPEP 706.07 which clearly states that applicant is entitled to a "full and fair hearing" on the issues dealing with patentability and that the issues should be clear between the examiner and applicant prior to appeal if possible. Also,


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MPEP 706.07 directs that applicants as a class, the public, and the examiner should confine the prosecution to as few actions as possible in order to advance the prosecution which is consistent with current PTO policy. Before making a final decision on this application, the examiner encourages applicant to submit his comments in order for the examiner to make an intelligent decision on the issues dealing with patentability.

5. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Exmr. Butler whose telephone number is (703) 308-2575. The examiner is normally in the USPTO Monday-Friday from 5:30 a.m. to 2:00p.m. Although the examiner may not always be present in his office to immediately answer the phone when called, the examiner will make every effort to return the call as soon as possible. If the examiner does not answer his phone, the examiner suggests that a brief message be recorded on the examiner's voice mail machine when necessary and appropriate. The examiner normally checks recorded phone calls at least once a day unless on leave.

The fax phone number for the organization where this application or proceeding is assigned is (703) 305-7687.

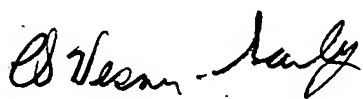
Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 308-1113.

  
DOUGLAS C. BUTLER  
PRIMARY EXAMINER  
4-19-03  
AU 3683

April 21, 2003

Dear Examiner Butler -

Here are the results of your search request for case no. 10/025,558. If a modification or re-focus of the search is needed, please let me know.



Caryn S. Wesner-Early, MSLS  
Technical Information Specialist  
EIC 3600, US Patent & Trademark Office  
Phone: (703) 306-5967  
Fax: (703) 306-5758  
caryn.wesner@uspto.gov